

House Bill 6

By: Representatives Bridges of the 10<sup>th</sup> and Day of the 163<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to payment into county treasuries of fines and forfeitures, so as to provide for payment of certain moneys arising from traffic fines to the Georgia Department of Public Safety for payment into the state treasury; to amend Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to arrests, trials, and appeals relative to prosecution of misdemeanor traffic offenses, so as to provide for payment of certain moneys arising from traffic fines to the Department of Public Safety for payment into the state treasury; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to payment into county treasuries of fines and forfeitures, is amended by striking subsection (a) and inserting in lieu thereof the following:

"(a)(1) The clerks of the several courts shall pay into the county treasury of the county where the court is held all moneys arising from fines and forfeitures collected by them and, upon failure to do so, shall be subject to rule and attachment as in the case of defaulting sheriffs.

(2) The provisions of paragraph (1) of this subsection shall not apply to the remainder of any fines, after costs, imposed for violation of any speed limit provided in or authorized by Chapter 6 of Title 40 on any interstate highway or other controlled-access highway which connects with an interstate highway if the arrest or citation in such case was made or issued by a law enforcement officer of a county or municipality, in which case such remainder shall be remitted to the Department of Public Safety for payment into the state treasury."

**SECTION 2.**

Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to arrests, trials, and appeals relative to prosecution of misdemeanor traffic offenses, is amended by striking Code Section 40-13-26, relating to how sentences shall be served and disposition of fines and costs, and inserting in lieu thereof the following:

"40-13-26.

Defendants who plead guilty or who are convicted under this article shall be required to serve their sentences in such manner as is provided for by law in misdemeanor cases. In case a fine is imposed and paid, the officers of court, where on fee basis, shall first be paid their costs arising in such case. After the payment of all costs, the remainder of such fine shall be paid into the county treasury in the event the case is disposed of by the probate court; if the case is disposed of by the municipal court of an incorporated municipality, the remainder of such fine or fines shall be paid into the treasury of the municipality where the court is located, except that where such courts have jurisdiction beyond the corporate limits of a municipality, and the offense occurs outside the municipality, the fine shall be paid into the county treasury; provided, however, that in any case where a fine was imposed for violation of any speed limit provided in or authorized by Chapter 6 of this title on any interstate highway or other controlled-access highway which connects with an interstate highway if the arrest or citation in such case was made or issued by a law enforcement officer of a county or municipality, the remainder of such fine shall be remitted to the Department of Public Safety for payment into the state treasury. The judge of the probate court or the person presiding over the municipal court must pay into the county treasury ~~or~~ municipal treasury, or Department of Public Safety by the fifteenth day of each month the remainder of all fines for the preceding month. Such payment must be accompanied by a list showing the name of the defendant in each case, the fine imposed in each case, the costs in each case and to whom paid, and the balance which is being paid into the treasury. The official making such payment must be given a written receipt by the person receiving the payment. No officer receiving a salary will receive any fees for arresting or attending court in any case arising under this article, but the usual fees must be assessed, and, if the arresting officer is not entitled to the costs, they must go to the ~~county or city to which the fine is paid~~ county, city, or Department of Public Safety as required by this Code section."

**SECTION 3.**

This Act shall become effective July 1, 2005, and shall apply with respect to fines collected and forfeitures forfeited on or after that date.

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- SECTION 4.
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- All laws and parts of laws in conflict with this Act are repealed.